Patent Application No.: 09/982,532

Attorney Docket No.: 54320.000010

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Søren MADSEN et al. ) Examiner: David A. Lambertson	
Serial No.: 09/982,532 ) Group Art Unit: 1636	
Filed: October 19, 2001	
For: REGULATION OF PROMOTER ACTIVITY IN CELLS	
TRANSMITTAL LETTER	
Mail Stop Patent Application Commissioner for Patents P.O. Box 1450	
Alexandria, Virginia 22313-1450	5.

### TRANSMITTAL LETTER

Sir:

The following are enclosed for consideration in the above-identified application:

		FEE
[ ]	Response to Notice to File Missing Parts	\$
[X]	Response to Office Action Restriction Requirement of April 9, 2003	\$
	Declaration: [ ] Original; [ ] Supplemental	\$
[] ]	Submission of Formal Drawings	\$
	Informal Drawings: Sheets Figures	\$
[ ]	Supplemental Information Disclosure Statement, Form PTO SB/08A, copy	\$
	of International Search Report, and three (3) references	
[ ]	Amendment: [ ] Preliminary; [ ] § 116; [ ] § 312; [ ] Other	\$
[X]	Request for Extension of Time [2] month(s)	\$410.00
[ ]	Issue Fee: [ ] Part B - Issue Fee Transmittal [ ] Part C - Charge to Deposit	\$
	Account	
	Notice of Appeal	\$
[ ]	Appeal Brief	\$
	Request for Oral Hearing	\$
	Reply Brief	\$
	Terminal Disclaimer	\$
	An additional claim fee is required, and is calculated as shown below.	\$
TOTAL	FEES BEING SUBMITTED	\$410.00



Patent Application No.: 09/982,532 Attorney Docket No.: 54320.000010

ADENTA	Claims	Claims Paid	Extra	Rate	Fee
	Remaining	For	ļ		
Total Claims			0	x \$18.00	\$
Independent			0		п
Claims			ľ	x \$84.00	\$
Multiple Deper	\$				
	\$				
SMALL ENTI	\$ .00				

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR  $\S$  1.16 and  $\S$  1.17 associated with this communication or credit any TECH CENTER 18003800 overpayment to the deposit account of Hunton & Williams, Deposit Account Number 50-0206.

Respectfully submitted,

Dated: <u>July 9, 2003</u> By:

> Stanislaus Aksma Registration No. 28,562

David H. Milligan Registration No. 42,893

**HUNTON & WILLIAMS LLP** Intellectual Property Department 1900 K Street, N.W. **Suite 1200** Washington, DC 20006-1109 (202) 955-1500 (telephone) (202) 778-2201 (facsimile)

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# Atty. Docket: 54320.000010 JUL 0 9 2003 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TECH CENTER TOOS ON THE TOO SOON OF THE PROPERTY TO SOON ON THE PROPERTY TO SO In re Patent Application of: Søren MADSEN et al. Examiner: David A. Lambertson Serial No.: 09/982,532 Group Art Unit: 1636 Filed: October 19, 2001 REGULATION OF PROMOTER ACTIVITY IN CELLS For:

## RESPONSE TO OFFICE ACTION RESTRICTION REQUIREMENT OF APRIL 9, 2003

#### Mail Stop Patent Application

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

Responsive to the Office Action mailed April 9, 2003, please consider the following remarks.

#### REMARKS

In the Office Action of April 9, 2003, the Examiner requested restriction to one of the following inventions under 35 U.S.C. § 1.121.

- Claims 1-11, drawn to an isolated nucleic acid encoding OrfY, a vector for expression of the 1. OrfY protein and a host cell comprising said vector, classified in class 435, subclass 320.1;
- Claims 12-26, drawn to a method of regulating promoter activity by expressing the OrfY 2. polypeptide, thereby producing a polypeptide of interest, classified in class 435, subclass 69.1;
- Claim 27, drawn to a method of producing a food product using a cell expressing the OrfY polypeptide, classified in class 426, subclass 656;
- Claim 28, drawn to a method for producing a pharmaceutical using a cell expressing the OrfY polypeptide, classified in class 514, subclass 2; and
- Claim 29, drawn to a method of delivering a gene product using a cell expressing the OrfY protein, classified in class 435, subclass 440.

Applicant hereby elects Invention 1, Claims 1-11, drawn to an isolated nucleic acid encoding OrfY, a vector for expression of the OrfY protein and a host cell transformed with the sequence or

Atty. Docket: 54320.000010

the vector, classified in class 435, subclass 320.1, with traverse.

The Assistant Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required now or hereafter, or credit any overpayment, to Deposit Account No. 50-0206.

Respectfully submitted,

Dated: July 9, 2003

By:

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